

Appl. No. 09/939,233
Amdt. dated September 18, 2003
Reply to Office Action of June 18, 2003

PATENT

REMARKS/ARGUMENTS

Claims 1-17 are pending.

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Paravia, et al. (U.S. Patent No. 6,508,710) in view of Seheidt (U.S. Patent No. 5,787,173).

Claims 2-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Paravia et al. (U.S. Patent No. 6,508,710) in view of Seheidt (U.S. Patent No. 5,787,173), further in view of Wicks (U.S. Patent No. 6,011,485) or LaDue (U.S. Patent No. 5,999,808).

These rejections are respectfully traversed and reconsideration is respectfully requested.

As the Examiner is aware, in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the Examiner must identify prior art declaring all the salient elements recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Third, there must be a reasonable expectation that once combined the elements will work as expected. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. In Re Vaeck, 947 F.2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991).

As will become apparent herein, it respectfully submitted that all of the elements recited in Applicant's claims are not taught or even suggested in Paravia, et al., Seheidt, et al., Wicks or LaDue. Specifically, none of the cited references disclose systems and methods that forward a verification number to a user where the user only receives the verification number if located within a predetermined or predefined area, and then the verification number is received from the user, thereby indicating the user's location within the predetermined or predefined area.

Claim 1 is directed to a method employing a location verifier system for verifying that a user is located in a predefined geographical area, wherein the method includes, among other steps, forwarding a verification number to the user. The verification number is received by the user only if the user is located within the predefined geographical area, the verification

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number is then received from the user. The verification number forwarded is verified as being the same verification number received.

In contrast thereto, as the Examiner acknowledges in the office action, Paravia discloses using various techniques for granting the user access to the sports wagering system such as automatic number identification (ANI), i.e., "Caller I.D." As the Examiner further acknowledges, nowhere does Paravia disclose forwarding a verification number to a user where the user only receives the verification number if he is within a predetermined geographical area, then receiving the verification number back from the user and verifying that the verification number received is the same verification number that was forwarded. Indeed, this is not necessary since Paravia uses other techniques such as ANI with the initial contact from the user.

Likewise, Seheide does not disclose forwarding a verification number to a user where the user only receives the verification number if he is within a predetermined geographical area, then receiving the verification number back from the user and verifying that the verification number received is the same verification number that was forwarded. While the Examiner refers to a "handshaking process," applicants respectfully point out that what is claimed is not a general "handshaking process" but specifically (in claim 1) is "forwarding a verification number to the user, the verification number being received by the user only if the user is located within the predefined geographical area" and then "receiving the verification number from the user," and "verifying the verification number forwarded is the same verification number received." Thus, the number is passed from point A to point B and back to point A from point B, but point A only receives the number if it is within a predetermined geographical area.

In contrast thereto, Seheide discloses using a split key scheme that sends two different key components, one from a transmit location and another from a receive location. Seheide does not disclose or even suggest forwarding a verification number to a user (wherein the verification number is received by the user only if the user is located within a predefined geographical area), then receiving the verification number back from the user and verifying that the verification number received is the same verification number that was originally forwarded.

Accordingly, it is respectfully submitted that claim 1 is allowable for at least the above-discussed reasons.

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With regard to claims 2-17, it is respectfully submitted that Wicks and LaDue do not make up for the lack of teaching in Paravia and Seheidt. Wicks mentions possibly using a pager at a sporting event site merely for providing information and, thus, may be used for "on-site" or "off-track" betting (see top of column 5). No location verification is ever mentioned in Wicks. LaDue merely discloses a wireless gaming method that may use pagers and that mentions using GPS for location information.

Claim 2 depends on claim 1 and therefore is allowable for at least the reasons claim 1 is allowable. Claim 2 further defines the features of applicants' invention.

Claim 3 is directed to a verification system that comprises, among other things, one or more pagers for communicating with a transmitting system and a control system for receiving a signal requesting remote access to a betting system. Upon receipt of the signal, the control signal forwards an authorization number to the transmitting system and the transmitting system forwards the authorization number to the user pager. The user pager is capable of receiving the authorization number only when within a predefined geographical area. It is respectfully submitted that, for at least the above-discussed reasons, none of the cited references discloses such a system. Accordingly, it is respectfully submitted that claim 3 is allowable.

Claims 4-9 depend on claim 3 and, therefore, they are allowable for at least the reasons claim 3 is allowable.

Claim 10 is directed to a method used by a location verifier system for verifying a user's location within an area, wherein the method comprises, among other things, randomly generating a verification number responsive to a signal for requesting access to a betting system, forwarding the verification number such that the verification number travels no further than a predefined geographic location, receiving the verification number and, if the verification number forwarded is the same as the verification number received, allowing remote access to the betting system. It is respectfully submitted that, for at least the above-discussed reasons, none of the cited references, either alone or in combination, teach, disclose, or even suggest such a method. Accordingly, it is respectfully submitted that claim 10 is allowable.

Claims 11-14 depend on claim 10 and, therefore, they are allowable for at least the reasons claim 10 is allowable.

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Claim 15 is directed to a method of verifying a user's location within an area and includes, among other things, generating by a control center a number for verifying that the user is within a predefined geographical area; forwarding by the control center, the number to a pager, wherein the pager receives the number only when within the predefined geographical area; and forwarding by the user, the verification number to the control center. It is respectfully submitted that, for at least the above-discussed reason, none of the cited references, either alone or in combination, teach, disclose, or even suggest such a method. Accordingly, it is respectfully submitted that claim 15 is allowable.

Claims 16 and 17 depend on claim 15 and, therefore, they are allowable for at least the reasons claim 15 is allowable.

Finally, while the Examiner indicates that he takes official notice of handshaking verification systems, it is respectfully submitted that there are no systems or methods as described above wherein, among other things, verification numbers are forwarded such that they may only be received by a user if that user is within a predetermined or predefined geographical area, and then the verification number is forwarded back by the user, thereby indicating the location of the user within the predetermined or predefined geographical region. Accordingly, it is respectfully submitted that all claims in this application are allowable for at least the reasons discussed herein.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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